

**PHOENIX FIELD OFFICE
NATIONAL ENVIRONMENTAL POLICY ACT (NEPA)
COMPLIANCE RECORD FOR CATEGORICAL EXCLUSIONS (CX)**

Proposed Action Title/Type:
Sale of Mineral Materials under 43 CFR 3600

NEPA#: AZ-210-2005-0036
Related#: AZA-33033

Location of Proposed Action: T. 12 N., R. 1 E., Section 24, NE¼SW¼SW¼; G&SRM, Arizona
T. 12 N., R. 2 E., Section 19, SW¼SW¼; G&SRM, Arizona

Description of Proposed Action: Allow continued operations by Arizona Aggregate Removers, LLC as authorized under expired mineral materials contract AZA-32489. Includes removal of 30 tons per week through December 2005 (for a total of 1200 tons) of schist/phyllite from existing quarry area and use of separate existing area for storage and palettezation. Disturbance remains below 5 acre threshold.

PART I - PLAN CONFORMANCE REVIEW. This proposed action is subject to the following land use plan: *Name of Plan:* Phoenix RMP & EIS. *Decision and page no.:* _____, *Date approved:* September 1989. This proposed action has been reviewed for conformance with this plan (43 CFR 1610.5-3, BLM Manual 1601.04.C.2).

PART II - CATEGORICAL EXCLUSION DETERMINATION

A. Verification of Listing: This proposed action qualifies as a categorical exclusion under Department Manual 516 DM 6, Appendix 5.4.F(10) - Disposal of mineral materials such as sand, stone, gravel, pumice, not exceeding 50,000 cubic yards or disturbing more than 5 acres, except in riparian areas.

And

B. Exception Review: 516 DM 2, Appendix 2 provides for the review of the following criteria to determine if exceptions apply to this project.

IMPORTANT: Appropriate staff should determine exception, comment and initial for concurrence. If exceptions apply to the action or project, and existing NEPA documentation does not address the exception, then further NEPA analysis is required.

CRITERIA	COMMENT (yes/no)	STAFF INITIAL
1. Has significant adverse effects on public health and safety.	NO	
2. Adversely affects unique geographic characteristics as historic or cultural resources, parks, recreation or refuge lands, wilderness areas, wilderness study areas, wild and scenic rivers, sole or principal drinking water aquifers, prime farmlands, wetlands, flood plains, or ecologically significant or critical areas, including those listed on the Department of the Interior National Register of Natural Landmarks.	NO	
3. Has highly controversial environmental effects.	NO	
4. Has highly uncertain and potentially significant environmental effects or involves unique or unknown environmental risks.	NO	
5. Establishes a precedent for future action or represents a decision in principle about a future action with potentially significant environmental effects.	NO	

6. Is related to other actions with individually insignificant, but cumulatively significant effects.	NO	
7. Adversely affects properties listed or eligible for listing in the National Register of Historic places.	NO	See clearance
8. Affects a species listed or proposed to be listed in the List of Endangered or Threatened Species or adversely affects the species critical habitat.	NO	See clearance
9. Requires compliance with Executive Order 11988 Flood Plain Management, 11990 Protection for Wetlands, or the Fish and Wildlife Coordination Act.	NO	
10. Threatens to violate a Federal, State, local, or Tribal law or requirement imposed for the protection of the environment	NO	

PART III - SIGNATURES FOR COMPLIANCE

PREPARER: /signed/ David Eddy

DATE: 2-24-05

PLANNING/ENVIRONMENTAL SPECIALIST: /signed/ David Eddy

DATE: 2-24-05

PART IV - DECISION. I have reviewed this plan conformance and NEPA compliance record and have determined that the proposed project is in conformance with the approved land use plan and that no further environmental analysis is required. It is my decision to implement the project, as described, with the mitigation measures identified below.

MITIGATION MEASURES/OTHER REMARKS: Special Stipulations attached.

APPROVING OFFICIAL: /signed/ Ralph Costa

DATE: 2/28/05

Special Stipulations, Contract AZA-33033

1. Mining at the subject mine site shall be in conformance with the plan of operations submitted by the purchaser and in accordance with the stipulations herein after set forth. The purchaser will obtain and keep current and in good standing all permits required by the various City, County, State, and Federal agencies and will abide by stipulations as set forth in said permits. Purchaser will comply with all applicable Federal, State, County, and City pollution standards and permits.
2. The purchaser shall take fire precaution and conservation measures and shall dispose of slash or other debris resulting from operations hereunder in accordance with written instructions from the Authorized Officer.
3. The Bureau of Land Management's (BLM) authorization does not imply that Federal approval has been granted to the purchaser or their customers the right to transport trucks and rock products across any City, County, State, Federal, or private property or roads. Purchaser or their customers shall be held liable for any damages to such property.
4. BLM's approval of the purchaser's proposed Plan and authorization of a sales contract shall not be construed to effect a preemption of Arizona State laws and regulations or to imply that BLM has granted any approvals normally under the purview or regulatory authority of City, County, State, or other Federal agencies.
5. Any cultural and/or paleontological resource (prehistoric or historic site or object) discovered by the purchaser, or any person working on his behalf, on the subject lands shall be reported immediately to the Bureau of Land Management's authorized officer. It is unlawful to disturb, deface, or remove these cultural and paleontological resources unless authorized by the Bureau of Land Management under a cultural resources use permit. The holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the authorized officer. An evaluation of the discovery will be made by the authorized officer to determine appropriate actions to prevent the loss of significant cultural or scientific values.
6. Access to the material site area shall be provided to BLM in order to conduct routine inspections of the extraction and removal of minerals, for the review of production records and sales data, or for the purpose of inspection or inventory of other resource values. Inspections may be unscheduled and will generally be conducted during normal working hours. Such inspections are not normally expected to stop or impede normal mining and processing functions by the company.
7. The monthly production and royalty is due BLM at this office as outlined in Sec. 3(b) of the contract and shall be reported as follows:
 - A list shall be provided to BLM showing all sales of materials mined and transported. Listing shall include the date, the customer's\ buyer's name, the invoice number, product description and product weight in tons. A total weight shall be indicated for the month reported.
 - If no sales occur during a particular month that should also be indicated by submitting a statement that there were no sales across the scales that month.

8. The purchaser shall defend, and hold harmless the United States and/or its agencies and representatives against and from any and all demands, claims, and liabilities of every nature whatsoever, including, but not necessarily limited to, damage to property and injuries or death of persons arising from any activity connected with the purchaser's use or occupancy of the lands described in this contract, or with the activity authorized under this contract.

9. The area will be reclaimed in accordance with the provisions of the permit granted by the Arizona State Lands Department and reclamation guidelines as found in the Metropolitan Phoenix Mineral Materials Program Guidelines, 1995 and H-3041-1, Solid Mineral Reclamation Handbook.

10. Solid waste will be disposed of in accordance with local laws. The applicant shall promptly remove and dispose of all waste caused by its activities as directed by the authorized officer. The term waste as used herein means all discarded matter, but not limited to human waste, trash, garbage, refuse, petroleum products, ashes and equipment. Wastes shall be disposed of in a sanitary landfill unless otherwise approved by the authorized officer. No burial of wastes on site is allowed. The area shall be maintained at all times in a condition that is not hazardous to humans or livestock.

11. Prior to removal of protected plants, the purchaser must have prior approval and the necessary authorizations issued by the State of Arizona.

- The purchaser must notify the Arizona Department of Agriculture and Horticulture 30 days before the beginning surface disturbance for possible salvage of Arizona protected plants.

12. If noxious weeds or invasive plants are detected during an inspection, the purchaser shall be required to implement weed control, prevention, and treatment factors to remove the seed source and limit seed transport into the project site. Suitable weed treatment and prevention techniques will be established by the BLM.

13. The purchaser shall implement plans and procedures to reduce the potential effects of spills or accidents which might include site security and safety measures, fire protection procedures, emergency response and notification procedures, best management practices for materials, transportation, handling and storage, contingency planning for accidental discharges and spill prevention control countermeasure planning. In the event of an accidental discharge or spill, the on-site emergency coordinator will direct the immediate cleanup. A list of emergency phone numbers will be on-site and readily accessible. Good housekeeping rules will be followed to keep chemicals and waste material from entering any drainage areas. This may include providing sediment ponds, implementing proper disposal of oil and grease and use of lined pits for chemical storage.

Care will be taken to ensure that no oil, grease, used filters or antifreeze can contaminate the soil. All used items will be properly stored and disposed of.